

Remarks

The present paper is in response to the Office Action mailed in the above-referenced case on December 24, 2003. In the action claims 1-23 are presented for examination. Claims 1-11 and 13-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Horbal, (US 6,112,246), hereinafter Horbal, in view of Brown (et al. (US 6,480,896) hereinafter Brown and further in view of Sandelman (US 6,160,477) hereinafter Sandelman. There is no formal stated rejection for claim 12 in the Office Action. The Examiner does give reasoning for a rejection and for the sake of the present Response, applicant herein assumes claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Horbal, Brown and Sandelman.

In response to the Examiner's rejections and statements, applicant herein amends some of the base claims to more particularly recite limitations which define the control unit's autonomy when monitoring and controlling connected appliances. Claims 1-13 and 22 are cancelled.

Applicant herein amends base claims 14 and 17 to include limitations from original dependent claim 22 wherein control units are added at the home or business wherein the base station configures, through the respective wireless communication interfaces, any new control unit brought into the home or business by adding the control unit to a list managed by the base station, including assigning the control unit an address, and communicating to the associated web site details regarding the new control unit in a manner that the subscriber may monitor and control the appliance associated with the new control unit through the web site.

Claim 23 reads that the base station, through compatible magnetic induction equipment installed in both the base station and any new control unit, configures any new control unit brought within a maximum induction range by adding the control unit to a list managed by the base station, including assigning the control unit an address, and communicating to the associated web site details regarding the new control unit in a manner that the subscriber may monitor and control the system or appliance associated with the new control unit through the web site.

The Examiner gives reasoning for rejecting claims 17, 22 and 23 on page 16 of the Office Action. The Examiner only recognizes the limitations of claim 17 when giving the reasoning. The Examiner states that Horbal does not disclose a system wherein there is an RF section communicating with the microcontroller and memory for receiving programs and data. The Examiner relies on Sandelman to disclose the RF features.

Applicant respectfully points out to the Examiner that claims 22 and 23 have limitations that are not limited to RF capability, as stated above. Applicant argues that the Examiner has effectively ignored the patentable limitations of claims 22 and 23 by bundling said claims with the rejection of claim 17. Applicant argues that a prima facie case of rejection has not been made regarding the limitations of claims 22 and 23. Because applicant amended the base claims 17 and 14 with the patentable limitation of claim 22, applicant believes claims 17 and 14 are patentable over the art presented by the Examiner.

Applicant argues that the art presented by the Examiner does not combine to provide a Prima Facie Section 103(a) case against the standing claims, as amended. Therefore, claims 14 and 17 are patentable over the art. Claims 15-16, 18-21 and 23 are patentable on their own merits or at least as dependent upon a patentable claim.

As all of the claims as amended are patentable to the Applicant over the art of record, the Applicant respectfully requests reconsideration and that the case be passed quickly to issue. If there are any extensions of time required beyond any extension specifically petitioned and paid with this response, such extensions are hereby requested. If there are any fees due beyond any fees paid by check with this response, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully,
George Hsu
by


Donald R. Boys, Reg No. 35,074

Donald R. Boys
Central Coast Patent Agency
P.O. Box 187
Aromas, CA 95004
(831) 726-1457